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09/757,179	01/08/2001	Dennis Boyle	PA1443US	8137

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CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO, CA 94303

EXAMINER

SELBY, GEVELL V

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 11/12/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/757,179

Applicant(s)

BOYLE ET AL.

Examiner

Gevell Selby

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 13 and 14 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5, 6 6) ☐ Other:

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

In the brief description of the drawings, paragraph 13 references "FIG. 2A" but it should reference "FIG. 2B".

Appropriate correction is required.

Claim Objections

2. Claims 5, 6, 13, and 14 are objected to because of the following informalities:

Claims 5 and 13 recite the limitation "external magnetic medium" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claims 6 and 14 recite the limitation "external optical medium" in line 2. There is insufficient antecedent basis for this limitation in the claim.

The specification only refers to "magnetic or optical medium" in paragraph 23 of the description of the preferred embodiment and does not state the medium as being external.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

· A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1- 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Tanaka et al., US 6,120,379.

In regard to claim 1, Tanaka et al., US 6,120,379, discloses a machine-readable medium (see figure 8, element 42 and column 9, lines 9-12) comprising

“an image management program (see figure 13, element 45a and column 10, lines 57-59), the program being executable by an electronic device to perform method steps for capturing, controlling and managing an image (see figure 14 and column 10, line 57 to column 12, line 55), the method steps comprising:

receiving an image from an image capture device coupled to the electronic device (see figure 14, steps 11 – 17 and column 11, line 20 to column 12, line 11);

managing the display of the image on a display screen constituent to the electronic device (see figure 14, step 21-23 and column 12, lines 13-22);

managing the display of a graphical user interface on the display screen (see column 3, lines 32-38 and column 6, lines 44-60), the user interface comprising at least one interactive icon (see column 6, lines 44-60),

[It is inherent that a game machine (see column 1, lines 50-53) has a graphical user interface, since the user can view and manipulate images on the

display screen using the direction and motion instructing switch. The character that the user controls in game mode with the switches serves as the icon.]

interactive icon being capable of executing a routine within the program upon activation of said icon by a user (see column 11, lines 8-15).”

The icon is interactive seeing that the user presses the control switches and the processor moves the icon on the screen accordingly.

In regard to claim 2, Tanaka et al., US 6,120,379, discloses the machine-readable medium of claim 1, further comprising “the step of controlling one or more operational modes of the image capture device (see figure 14, Step 5, 11, 21, 24, 27 column 10, line 57 to column 12, line 55).”

In regard to claim 3, Tanaka et al., US 6,120,379, discloses the machine-readable medium of claim 1, further comprising “the step of transmitting said image from said electronic device to a remote device (printer or another user’s electronic device: see column 12, lines 12-22).”

In regard to claim 4, Tanaka et al., US 6,120,379, discloses the machine-readable medium of claim 1, “wherein said program is transferred from the image capture device to the electronic device for execution (see column 10, lines 57-59).”

When the electronic device (figure 1, element 20) is turned on, the program is transferred from the ROM (figure 13, element 45) of the image capture device (figure 1, element 30) to the CPU (figure 13, element 51) of the electronic device.

In regard to claims 5 and 6, Tanaka et al., US 6,120,379, discloses the machine-readable medium of claim 1, wherein said program is transferred from an external

magnetic medium or external optical medium to the electronic device for execution (see column 9, lines 9-14, any nonvolatile semiconductor memory and write-read enabled memory can be used).

In regard to claim 7, Tanaka et al., US 6,120,379, discloses the machine-readable medium of claim 1 “wherein said electronic device is a handheld device (see figure 10, element 30 and column 1, lines 50-55).”

5. Claims 8 – 10, 12, 18 - 20 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Parulski et al., US 5,943,603.

In regard to claim 8, Parulski et al., US 5,943,603, discloses a system for capturing and managing images (see figure 4 and column 1, line 9), comprising:

an electronic device (see figure 4 and column 2, lines 48), further comprising:

a processor (see figure 4, element 42),

a display, for selectively displaying text and one or more live or stored images (see figure 1, element 16 and column 2, lines 61-63), and

a memory, for storing said images (see column 3, lines 60-63);

an image capture device removably attached to said electronic device(see column 2, lines 50-60); and

an image management engine loaded into said memory and executed by said processor (see column 3, lines 45-48), the image management engine capable of implementing a plurality of functions for capturing, managing and viewing said images (see column 3, lines 60-67).

In regard to claim 9, Parulski et al., US 5,943,603, discloses the system of claim 8,

“wherein said electronic device further comprises a transmission source for transmitting image data from said electronic device to a remote device (see figure 1; column 2, lines 63-66; and column 3, lines 64-67).”

In regard to claims 10, Parulski et al., US 5,943,603, discloses the system of claim 9, wherein said transmission source is wireless (see column 4, lines 7-9).

In regard to claim 12, Parulski et al., US 5,943,603, discloses the system of claim 8 wherein “said image capture device is a digital camera (column 3, 18-43).”

In regard to claim 18, Parulski et al., US 5,943,603, discloses the system of claim 8 wherein “said image management engine presents one or more graphical user interface icons on said display of said electronic device to facilitate capture or management of images (see figure 6 and column 2, line 67 to column 3, line 8).”

In regard to claim 19, Parulski et al., US 5,943,603, discloses a method for managing live images on an electronic device (see figure 5), comprising the steps of:

“providing a display for viewing said images on said electronic device (see column 3, lines 64-65);

providing a camera for capturing said images (see column 3, lines 60-63);

and providing one or more image control functions that execute by selecting same (see column 4, lines 1-3).”

In regard to claim 20, Parulski et al., US 5,943,603, discloses the method of claim 19 further comprising the step of providing a memory to store said image after capturing (see column 3, lines 60-63).

In regard to claim 24, Parulski et al., US 5,943,603, discloses the method of claim 19 further comprising "the step of providing a transmission source for transmitting selected image data to a remote device after capturing (see column 4, lines 7-9)."

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al., US 5,943,603, as applied to claim 10 and in view of Tullis, US 6,535,243.**

In regard to claims 11, Parulski et al., US 5,943,603, discloses the system of claim 10, but lacks "wherein said transmission source is infrared."

Tullis, US 6,535,243, discloses a wireless digital camera "wherein said transmission source is infrared (see figure 1 and column 5, lines 21-23).

It would have been obvious to a person skilled in the art, at the time of invention, to modify Parulski et al., US 5,943,603, in view of Tullis, US 6,535,243, to use infrared

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as the transmission source to transfer data to and from the camera (see column 5, lines 13-17).

8. Claims 13, 14, and 15 - 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al., US 5,943,603, as applied to claim 10 and in view of Tanaka et al., US 6,120,379.

In regard to claim 13 and 14, Parulski et al., US 5,943,603, discloses the system of claim 8 wherein said image management engine is stored in the computer's memory (see column 3, lines 60-63). Parulski et al., US 5,943,603, lacks the image management engine is loaded into said memory from an external magnetic medium or external optical medium.

Tanaka et al., US 6,120,379, discloses a camera system wherein the image management engine is loaded into the device from a medium in the camera made of a nonvolatile semiconductor material (see figure 13, element 45; column 9, lines 9-12; and column 10, lines 57-59) that could be a magnetic or optical medium.

It would have been obvious to a person skilled in the art, at the time of invention, to modify Parulski et al., US 5,943,603, in view of Tanaka et al., US 6,120,379, to have a medium to store the program and download the program to the computer memory at startup instead of saving it in the memory all the time (see column 10, lines 57-59).

In regard to claim 15, Parulski et al., US 5,943,603, in view of Tanaka et al., US 6,120,379, as explained above discloses the system of claim 8 wherein "said image capture device comprises an internal memory (see Tanaka: figure 13, element 45 and column 10 lines 27-47)."

In regard to claim 16, Parulski et al., US 5,943,603, in view of Tanaka et al., US 6,120,379, as explained above discloses the system of claim 15 wherein “said image management engine is pre-loaded in said internal memory of said image capture device (see Tanaka: column 10 lines 27-47).”

In regard to claim 17, Parulski et al., US 5,943,603, in view of Tanaka et al., US 6,120,379, as described above discloses the system of claim 16 wherein,

“said image management engine is automatically downloaded (see Tanaka: column 10, lines 57-59) and

[When the camera is attached and the power is turned on, the program is downloaded to the device so the CPU can began running the program.]

stored in said memory (see Parulski: column 3, lines 45-48) of said electronic device upon attachment of said image capture device to said electronic device.”

9. Claims 21 - 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al., US 5943,603, as applied to claim 10 and in view of Wakabayashi et al., US 5,097,285.

In regard to claim 21, 22, and 23, Parulski et al., US 5,943,603, discloses the method of claim 19 but lacks wherein “said image is captured by said camera by programming an automatic timer to capture said image within a user-specified time” and “to capture a user-specified number of images at a user-specified time interval.”

Wakabayashi et al., US 5,097,285, discloses a camera with a self-timer (see column 1, lines 26-28). In self-timer mode the user can specify the number of pictures to

be taken when the timer expires by pressing the timer button that number of times (see column 3, lines 1-7). The user can specify whether they want the time of the second and following pictures to be longer than the time of the first picture (see column 3, lines 7-13).

It would have been obvious to a person skilled in the art, at the time of invention, to modify Parulski et al., US 5,943,603, in view of Wakabayashi et al., US 5,097,285, to have a self timer mode wherein "said image is captured by said camera by programming an automatic timer to capture said image within a user-specified time" and "to capture a user-specified number of images at a user-specified time interval" in order to have time to move from the camera to the position to be photographed (see column 3, lines 10-12).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following art discloses a camera coupled to a handheld device:

Dow et al., US 6,469,689,

Tanaka et al., US 6,435,969.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 703-305-8623. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andy Christensen can be reached on 703-305-9644. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

gvs


VULE
PRIMARY EXAMINER